

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES KILKENNY, ET AL., as
Trustees of the Construction Council
Local Union 175 Pension Fund, JAMES
KILKENNY, ET AL., as Trustees of the
Construction Council Local 175 Welfare
Fund, JAMES KILKENNY, ET AL., as
Trustees of the Construction Council
Local 175 Annuity Fund, and JAMES
KILKENNY, ET AL., as Trustees of the
Construction Council Local 175 Training
Fund,

MEMORANDUM AND ORDER

Case No. 20-CV-4765-FB-TAM

Plaintiffs,

-against-

MANCO ENTERPRISES, INC.,
MANETTA ENTERPRISES, INC., and
RIMANI GROUP, INC.,

Defendants.

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Appearances:

For the Plaintiffs:

ELISE S. FELDMAN
Rothman Rocco LaRuffa, LLP
3 West Main Street, Suite 200
Elmsford, New York 10523

*For Defendants Manco Enterprises,
Inc., and Manetta Enterprises, Inc.:*
ANDREA H. MARCUS
161 West 61st Street, 19th Floor
New York, New York 10023

BLOCK, Senior District Judge:

On December 19, 2024, the Court referred a proposed judgment by Pension,
Welfare, Annuity, and Training Funds, by their Trustees James Kilkenny and

others, (collectively “Plaintiffs”) to Magistrate Judge Taryn A. Merkl for the calculation of damages against Manco Enterprises, Inc. (“Manco”) and Manetta Enterprises, Inc. (“Manetta”) (collectively “Defendants”). Defendants did not oppose the proposed judgment.

On February 14, 2025, Magistrate Judge Taryn A. Merkl issued a Report and Recommendation (“R&R”) recommending the Court to enter judgment against Defendants Manco and Manetta in a total amount of \$36,501,916.44, including \$18,871,118.45 for delinquent contributions, \$15,743,686.14 in interest, and \$1,887,111.85 in liquidated damages. R&R at 5–6.

The R&R gave the parties fourteen days to file objections, i.e., until February 28, 2025, and warned that “[f]ailure to file objections within the specified time waives the right to appeal aboth before the district court and appellate courts.”

Id. at 6. No objections have been filed. If clear notice has been given of the consequences of failing to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” (citations omitted)). The Court will, however, excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge

may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts the R&R without *de novo* review. The Court enters judgment for Plaintiffs against Defendants Manco and Manetta of a total of \$36,501,916.44, including \$18,871,118.45 for delinquent contributions, \$15,743,686.14 in interest, and \$1,887,111.85 in liquidated damages. The Clerk shall enter judgment in accordance with this opinion.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 12, 2025